

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

PRENTISS CARADINE, II,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:24-cv-01229-HEA
	)	
KITO BESS,	)	
	)	
Respondent.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court upon its own motion. As explained in the Court’s November 27, 2024 order, Petitioner filed the instant Petition after the expiration of the applicable statute of limitations. The Court directed Petitioner to show cause why his Petition should not be dismissed as untimely, and cautioned him that this case could be dismissed if he failed to timely respond. Petitioner’s response was due on December 27, 2024, but to date, he has not responded to the Court’s order or requested additional time to do so.

After careful consideration, the Court concludes that the Petition is time-barred and Petitioner has failed to show cause why it should not be dismissed as such. The Court will therefore dismiss the Petition at this time pursuant to Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts. *See Day v. McDonough*, 547 U.S. 198, 209 (2006) (a district court can dismiss an untimely § 2254 petition on its own motion after giving notice to the petitioner).

This Court is not required to issue a certificate of appealability unless Petitioner demonstrates that jurists of reason would find it debatable: (1) whether the application states a valid claim of the denial of a constitutional right; and (2) whether the court was correct in its

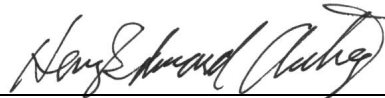
procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner has made no such showing here, so the Court will not issue a certificate of appealability.

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

Dated this 31<sup>st</sup> day of December, 2024.

A handwritten signature in black ink, reading "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE